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DEPARTMENT OF TRANSPORTATION
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June 3, 2002

U. S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, SW.
Washington, DC 20590

RE: FHWA Docket No. FHWA-2001-11130 - 14

Dear Sirs:

The New York State Department of Transportation offers the following comments on the subject docket.

We have some concerns with the page 9 reference to the FHWA study reported in "Moving Ahead: The American Public Speaks on Roadways and Transportation in Communities". It is stated that a key finding is that "work zones were cited as second only to poor traffic flow in causing traveler dissatisfaction". However, it is not stated what exactly the public is dissatisfied with. Since "poor traffic flow" was already the first source of dissatisfaction with the highway system, the second source (work zones) must be unrelated to poor traffic flow. The docket also states that "many travelers indicated a preference to have the road closed completely for moderate durations in exchange for long-lasting repairs". It does not indicate how many of these travelers have experienced both situations (complete and partial closures) and what their preference is based on. There are many highways where total closure even for a short duration would have unacceptable impacts.

General Questions

1. There should be a national policy to promote mobility and safety in highway construction and maintenance. The policy would be readily incorporated into the regulations. The details of how to do so should be issued as guidance and best practices. A regulation would not be appropriate considering the range of compromises that often need to be made.

In general, we will take a position against additional Federal regulation and against a prescriptive approach to improving work zone safety. Rules and regulations will only serve to burden State agencies and discourage them from innovating. Establishing a policy and a broad goal is entirely appropriate, and we wholly support such efforts when they are based on a consensus-building, collective approach. What appears to be missing at the Federal level is additional effort (1) to identify and disseminate best practices and technical guidance, (2) evaluation of each State's efforts/performance and (3) feedback to States who seem to be lagging behind.

2. The current provisions of 23 CFR 630, Subpart J should be upgraded to address mobility issues and pedestrian and bicycle issues. While new regulatory requirements would not be appropriate, 23 CFR 630, subpart J should include guidance on identifying and addressing mobility needs, non-motorized user needs and impacts to the community. Agencies should be encouraged to identify such issues early in the project development process and to address them during design. They should also develop a procedure to coordinate construction work, maintenance work and permit work to ensure that such work does not cumulatively affect traffic flow through the same area. Communication with the traveling public should also be encouraged.

630J should also address locally administered and let contracts. Work zone traffic control and safety has traditionally received less emphasis on locally administered projects than on projects with state transportation agency oversight. There is considerable diversity in the ability and/or inclination of local agencies to properly oversee work zone traffic control and other safety issues affecting the workers and the general public. We are not aware of any minimum requirements or guidelines for local oversight efforts. We have found training of local agency staff to be a great, and yet relatively untapped, opportunity for improvement.

3. Stratification of work zone regulations or even policies and standards is difficult because there are always gray areas. Relatively low individual factors can combine to result in a major impact. The factors listed should be considered but engineering judgement is always necessary to put it all together and look at the big picture. Stratification of regulations could result in impractical applications of those regulations. If the regulations were to be stratified, operating speeds is a factor which should be added to the list for a safety perspective. Potential impacts, particularly of a qualitative nature, would not be a good stratification factor because it is a judgement call and can be tweaked.
4. There probably should be a common definition of "work zone" especially for work zone accident reporting. However, we have managed without one and probably should not get bogged down on finer points which are not all that important.

Transportation Planning and Programming

5. Mobility and safety impacts should be considered in initial phases of project development (called scoping in New York). The scoping process should identify mobility needs which may influence the selection of a preferred design alternative. However, "construction details" will always be a relatively minor consideration in this phase.
5. Metropolitan and Statewide planning should address mobility impacts but materials and life cycle costing are design issues which may be inappropriate for such planning processes. It is definitely appropriate to consider work zone mobility needs when planning for future roadway improvements at all levels. In NY we have incorporated design features to accommodate future work zone mobility needs (wider bridges to facilitate use of the shoulder as a travel lane during construction, avoid piers in medians, etc). Existing requirements for the design process and specifications should explicitly address this concern without duplicating them in 630J.
7. We are not aware of any data but operational analysis such as capacity analysis, CORSIM or other corridor analysis methods can be used to evaluate impacts of lane closures or diversions. There are also work zone related programs mentioned in question #9.

Project Design for Construction and Maintenance

8. The best way for FHWA to encourage agencies to incorporate new and different strategies to minimize impacts are through best practices and federal funding of demonstration projects. See also #1.
9. User costs can be a useful tool to evaluate alternative traffic management plans. Analytical tools should be used but should be considered a tool for decision-making rather than the decision-maker. The impact measures that should be included in a particular alternative's analysis should be based on the goals and objectives to be achieved, which may vary from project-to-project. Nonquantifiable, as well as quantifiable factors should be included in the analysis. The weight of each factor should be based on its relevance to the project. Other factors could be; maintain access, duration of work, constructibility, environmental, etc.
10. Agencies should be encouraged to partner with utilities to the extent possible to ensure timely delivery of the project. The constraints faced by the utilities should be recognized during design and a reasonable approach to scheduling taken. See also #1.

Managing for Mobility and Safety In and Around Work Zones

11. While issues of sustained traffic management and operations etc., i.e. TSM during construction should be considered where appropriate, the TCP may not always be the appropriate place for them. For example, lane rental or incentive/disincentive clauses may be more appropriate in other portions of the contract documents or specifications since they may not directly affect traffic control. Some issues may involve parties who do not see the TCP. Some agencies may have more appropriate means of conveying the necessary information. Night construction, police presence, contracting strategies to minimize work duration, diversions and ITS technologies and strategies should be considered. Our fundamental work zone safety concept is that we strive to achieve a balance among Engineering, Education and Enforcement.
12. While security concerns of critical infrastructure should be addressed, again the TCP may not be the most appropriate place and agencies should have flexibility to incorporate any requirements as appropriate for their operating procedures.
13. TCPs should address ADA requirements where there is a specific concern or need. However, TCPs cannot address all situations which may arise. Consequently, general ADA requirements should be addressed elsewhere such as specifications or agency policies which can be referred to in the TCP. Flexibility should be allowed for agencies to address ADA requirements in the most effective means, but such requirements must be addressed as an integral part of all aspects of the agencies operations, not as an add-on.
14. Flexibility should be allowed on who develops the TCP. Some agencies are considering use of Design-Build Contracts where development of the TCP would be the responsibility of the contractor. In addition, value engineering proposals may also be developed by the contractor which require a new TCP. However, highway agencies must assume QA responsibilities and some general QC criteria for TCPs developed outside the agency. External groups developing TCPs should be required to demonstrate that capability to the satisfaction of the agency but certification might be a bureaucratic burden for agencies. A requirement that TCPs be developed under the responsible supervision of a professional engineer licensed in the appropriate state should be considered. The principal focus should be on the desired results, i.e., safe work zones, rather than how to achieve that goal.
15. Mobility and safety audits should not be required as an additional effort. We already inspect work zones

for safety and operational issues as per FAPG 630.1010 (e). Mobility issues come to our attention via complaints from the public, feedback from project staff and the media. These sources will identify mobility concerns long before an audit will.

Public Outreach and Communications

16. Flexibility in delegating responsibility for informing the public should be permitted. On large complex projects, it may be preferable for the contractor to assume responsibility for informing the public. The contractor may choose to hire a consultant. The agency may also prefer to assume the responsibility but to hire a consultant to inform the public. Websites, toll free phone numbers, highway advisory radio, variable message signs, surveillance, newspapers, radio and local TV are all good mediums to communicate with the local citizens. Efforts should also be made to inform through travelers, especially those that can divert to alternate routes. These decisions need to be made as part of the development of the project TSM plan.
17. Projects with substantial disruption should include a public communication plan. Stakeholders (schools, transit, emergency services, major traffic generators, business, etc.) should be identified early and an opportunity for input into traffic management strategies provided. Plans for communicating with the general public and "out of towners" should also be included. The plan should also address communication during major incidents and potential failure of one or more communications mediums.

Analyzing Work Zone Performance

18. States and local agencies should definitely not be required to report statistics on work zone characteristics. It would be extremely burdensome and would not yield any significant benefit. There are too many variables in work zones which can change from project-to-project and even day-to-day within the same project for any data collected to be meaningful for research or evaluation purposes.
19. States and local agencies should definitely not be required to report statistics on the mobility performance of work zones. Again, this reporting will be burdensome, and unfunded mandate and will divert staff from other work zone mobility efforts. Such efforts would be better undertaken by academia.
20. Currently used measures for safety still seem appropriate to measure the safety performance of work zones. There are other measures which may identify the potential for accidents such as queue length on high speed highways, sight distance to queues or obstructions, and speed differential.

However, it is our view that basic accident statistics are both a good proxy for mobility information and an essential tool for effective management of work zone safety at the program (Statewide) level. We recommend that a requirement for better work zone accident reporting, data collection and analysis (similar to New York State activities) would be a beneficial area to consider.

Sincerely

Paul T. Wells, P.E.
Assistant Commissioner
Office of Engineering